



DT07 Rec'd PCT/PTO 0 3 NOV 2004

PCT

PATENT

Customer No. 22,852

Attorney Docket No. 09307.2003

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEINEMANN et al.

Application No.: 10/501,957

Filed: July 21, 2004

For: SURFACE-MODIFIED IMPLANTS

)
)
) Group Art Unit: not yet assigned

)
) Examiner: not yet assigned

)
)
) Confirmation No.: not yet assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed is the following:

Information Disclosure Statement and

IDS Form PTO/SB/08 with English language translation of abstract and passages
of DE 19949890.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: 11/3/04

By: Therese Hendricks
Therese Hendricks
Reg. No. 30,389



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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant encloses an English language abstract and translation of the following passages of DE 19949890: column 4, lines 11-59; column 5, lines 46-58; and column 6, lines 31-63. This document was cited in the International Search Report of corresponding application PCT/CH03/00013, and was previously listed in an Information Disclosure Statement filed with the Patent Office on October 13, 2004.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited document do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: *Nov. 2, 2004*

By: *Therese Hendricks*
Therese Hendricks
Reg. No. 30,389

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number

10,001,957

Filing Date

July 21, 2004

First Named Inventor

STEINEMANN

Art Unit

Not yet assigned

Examiner Name

Not yet assigned

Attorney Docket Number

09307.2003

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		DE 19949890	06/07/2001	Peter Copf		yes: Abstract, column 4, lines 11-59; column 5, lines 46-58; column 6, lines 31-63

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.